W. P. 47 of 93

G. R. S. IX-5

Previous references

1892-93
192.
(A.R.)

File No W 2 of 93

Serial Nos 1 — 7

Later references

File No 67 of 1900

GENERAL AND HERITAGE SECRETARIAT

Serial Nos. 1 — 7

Major Basil Gwynne Jeffreys

SUBJECT.

Appeal of Lungo Gwala and others of Kenkan Mbiyana Reserve against the Natal claim

---

Countersigned

to discharge the duties jointly with the 2nd defendant, so that they and the defendants may be ordered to do duty by rotation.

2 The written statement of the defendants says the effect that in 1877 the Plaintiffs father was deprived of the Parish in question and it was ordered that the defendants father alone should do the Parish work and receive the Fees; that the defendants father after doing the work for some time got the office registered in the 2nd defendants name; that the Plaintiffs father held the office not each on his own rights, but only as the 2nd defendants guardian; that neither the Plaintiffs nor this father had any right to the Parish in question, and the former was not entitled to the salary fees paid for the

plaint, that cause of action had not accrued from 1955, and that the suit was barred by the Law of Limitation.

3 The Deputy Amilcar of Mulipa who made a preliminary enquiry framed the following issues:—

(1) Was the Plaintiffs' father deprived of the Patli Mak, and the Defendants' father alone appointed in 1977? And why was not the name of the Plaintiffs' father entered jointly in the Register?

(2) Was the 2nd Defendant appointed to the Patli in question before his father's death or after it?

(3) Was the Plaintiffs' father deprived of his Mak when he was appointed as the 2nd Defendant's guardian, and was he discharging the duties on behalf of the 2nd Defendant as the latter's Guardian?

(4) Have not the Plaintiffs or their father any right to the Patli in question? If they have any, what is it?

(5) Is the suit barred by the Law of Limitation?

(6) To what relief are the Plaintiffs entitled?

* 26-2-78

objected to the appointment of the Patil of the village, saying that Manaji Mali alone was appointed at the Pakka Bodgi Settlement, and directed that since Manajigonda, who did not object to the Patil, Bhannabaragonda, who objected, might be appointed as pancha. Bhannabara-gonda having declared that he was willing to do the Patil work as pancha till Manaji Pujegonda became competent, the Sessions Court appointed the latter as the Patil and the former as his pancha.

* April 78

* Vide his order No 20 dated 15th April 1875.

5. The Plaintiffs examined 7 witnesses and the defendant examined 3 witnesses.

Plaintiff's 1st witness, Siddagonda deposed that Bhannabaragonda & Manajigonda were doing the Patil work of Kankere from 1866.

The second witness, ~~Manajigonda~~ Gundajdeposed that after the Pakka Bodgi Settlement Manajigonda alone had the office

The other witnesses for the Plaintiff made similar statements

Chickkiragouda (1st witness for the defendants) deposed that he knows of the Plaintiff and Defendants and that during the Patti work up to the Kadgi Settlement, when (about 1873) Defendant's father Marigouda alone was appointed, that he got the Patti registered in his own name before his death, that Channabasawa-gouda was appointed guardian, and that until Patti went to (witness) was appointed as guardian by Government.

The Deputy Amildar settled the issues in favour of the Plaintiff and stated that it appeared proper to him that Plaintiff and Defendant should hold the Patti by Rotation.

The General Assistant Commissioner to whom the case was referred for disposal passed the following judgment— × 3. 12. 92

" × × × established ×

It is clear from Government records that both the parties

The grounds of appeal are as follows—

(1) The rotation system, though not expressly and invariably adopted, has been recognized in many cases where justice required it.

(2) In the present case, the Appellants' father, like his ancestors, had been doing the work and enjoying the emoluments of the Patili in suit jointly with those of the Respondents.

(3) The parties in this case are not the descendants of one and the same ancestor, but are the descendants of two unconnected but joint original Hakdars.

(4). So, the presumption that the enjoyment of the office by a member of the family may be considered as the enjoyment of the office all the members thereof, however remote, does not arise.

(5) If the Appellants are not allowed to enjoy the office by rotation, there is no

chance of its reverting to them,
as the Regimental Band any
number of new and collected
grades.

S.V.

13

(5)

Appeal No. 150 of 1923.

Appellant	v.	Respondent
Rangegowda & others, sons of Channabasappa of Kankere		1. Basavegowda 2. Puttabasavegowda 3. Kamalapa son of Basavegowda, of Kankere

Facts of the case.

The appellants seek to recover possession of the office of Patel of Kankere in the Hadagali Sub Taluk.

According to the Register of 1864 Basavegowda the grandfather of defendant and Channabasappa the grandfather of appellant, were both the Patelas, Sanigas and Officiators of the Atti. Basavegowda was succeeded by his son Virupagowda and Channabasappa by his son Basavegowda, and according to the Register of 1864-65 the Virupagowda's brother Basavegowda and Channabasappa were both dead at the time of the Office. At the Patel's Panchayat assembled in 1877

the said Bacciolfonda was appointed by Government to the vice Patel of the village and was granted a Sanad dated 6th July 1877. On the 11th September 1877 Bacciolfonda prayed that as he was sick he might be relieved as Patel and one Channiappa Sonda appointed as Samasta. On the 15th Sept. 1877 Channiappa (Objector petitioner) presented a petition against Bacciolfonda's statement as Patel and the arrangement proposed by him. Bacciolfonda Gowda and Channiappa however effected an amicable settlement, & the Revd. Collector the former presented an application on 16th January 1878 praying that the proposed Samasta of his son and Channiappa might be ordered to do the duties and share the emoluments, but the Dy Comm. by his order dated 26th February 1878 declined to sanction the appointment of two Patels and called for a report regarding the several charges made against Bacciolfonda. During the enquiry Channiappa again urged

17

this was a jail case in which performance of duty by turnkey should be ordered.

The 2nd point is an actual injury beyond what the law in 1879 and altho Pegg can sue and collect with his right to sue on an official bond around the latter and holds that the amendment that law can in force for the local keeper

The appeal is granted

Civil

4/9/95

Chancery

6/9

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 2261 R
DATE 1-3-93

MYSORE COURT FEE (1)

2d

Pon Rs 6 case fr
Reams Cep
1/6/93

Codes 6-31 8th August 93

In the Court of the Dewan of Mysore
at Bangalore.

Revenue Second Appeal No of 1893

A.S. No 159
92-93.

(Soteli)

1. Pangegowda — —
2. Cheema Veregowda
3. Bellooriah — —
4. Maraliah — —
5. Doddi Cheemegowda

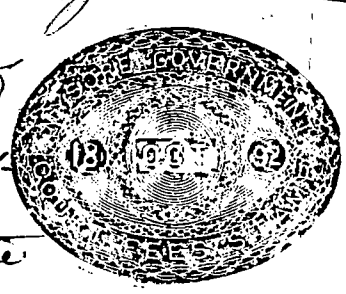
} Appellants.

~~Vs~~

1. Pudiegowda — —
2. Koveli Veregowda
3. Maraliah — —

} Respondents.

The appellants above named beg to prefer this Second Appeal on the following grounds to the Government of Mysore against the decision of the Deputy Commissioner of Tumkur, passed in Revenue Appeal No of 1893 modifying the decision passed by the General Assistant Commissioner of Tumkur, regarding the right of the Appellants to enjoy the



Office

21

Office of the Potei of Tenitese village

2.° of Cuscia nazzarena Gaia Talmone by

rotation.

I - The rotation system though not expressly and invariably adopted has been recognized in many cases where Justice required it.

II - In the present case the Appellants father like his ancestors have been doing the work and enjoying the emoluments of the Potei in Unit jointly with those of the respondents.

III - The parties to this case are not the descendents of one and the same ancestor but are the descendents of two unconnected but joint Original Hubdars.

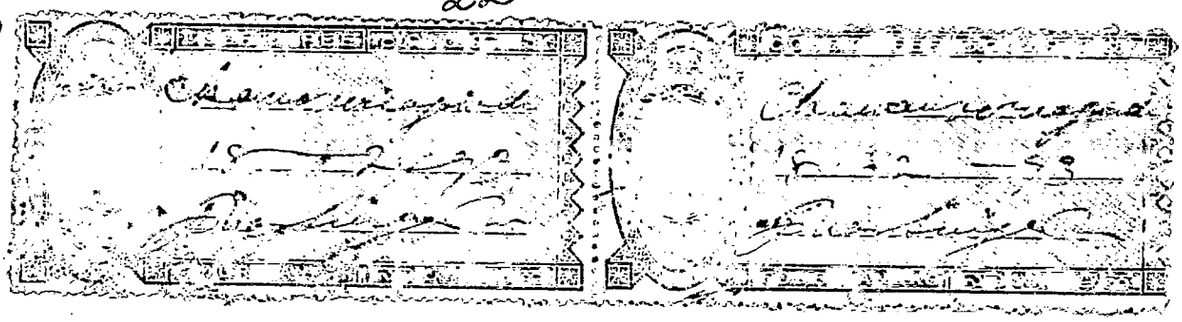
IV - So the presumption that the enjoyment of the office by a member of the family may be considered as the enjoyment of all the members thereof, however remote does not arise.

V - If the Appellants are not allowed to enjoy the office by rotation there is no chance of it reverting to them as the respondents have any member of

21
22 of sons and collateral agnates.

VI. For the foregoing among other reasons the appellants pray that the decision of the general Assistant Commissioner may be confirmed.

23



In the Court of the Deputy
Commissioner of Tezpur District

This 4th day of February Year of Lord

Present :- B.N. Srivastava Deputy
Revenue Assistant Commissioner, Tezpur.

Appellants

1. Rudreswar Gorah
2. Hareswar Gorah
3. Jamaliah

Respondents

1. Rangeswar Gorah
2. Chemaiduli Gorah
3. Beloriya
4. Jamaliah
5. Dodia Chema Gorah

Judgment

1. This was a suit for the office of Pole
of Kantiki Village in the Mahajan Gaon
2. The Respondents who are brothers Sno
for the office on the ground that
their grandfather held it jointly
with the grandfather of the Appellants
3. The General Assistant Commissioner
decreed that the Plaintiffs were also

hatoiara, and directed that they and the appellants should hold the office by rotation.

4. Upon that order the appellants have now appealed. —

5. The appellants admit that the Respondents grandfather was an equal share with their grandfather, but contend that as subsequently their names alone were entered in the register, the Respondents lost their claim.

6. The Respondents say that their names were omitted because it was decided by the Government to do away with the System of joint ownership of Lands.

7. It is however admitted that the father of

of the Respondents held the office till his death.

8. It is thus clear that the Respondents are an Hereditary Watchmen to the offices of the Appellants.

9. Both parties will therefore be regarded as the hereditary as declared by the lower Court.

10. But the order of that Court, that they should hold the office by rotation is unauthorized, as the rule of rotation has not as yet been passed.

There is, therefore no room to evict the present holder of the office who is one of the Appellants. - This part of the lower Court order is reversed.

Each party will bear his own costs.

Sd/ B. N. Ekambaram Aiyangar.

Compared
Sd/

"True Copy"

Assistant Secretary.

9b

Copy applied for 18-2-93

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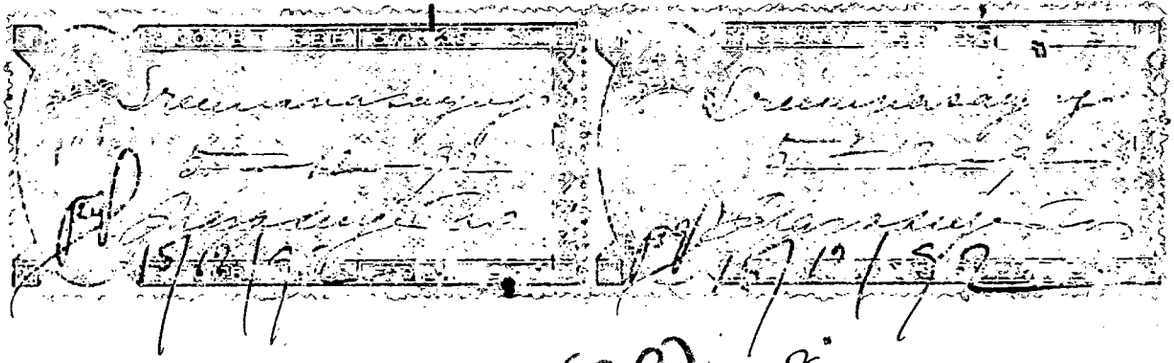

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ಗಣಿತ : ಕಂಪ್ಯೂಟರ್ ಕಲಿಕೆ

ಅಂತರಜಾಲ ಬಳಕೆ ಮಾಹಿತಿ ಸಂಗ್ರಹ

ಪ್ರಬಂಧ ಬರವಣಿಗೆ

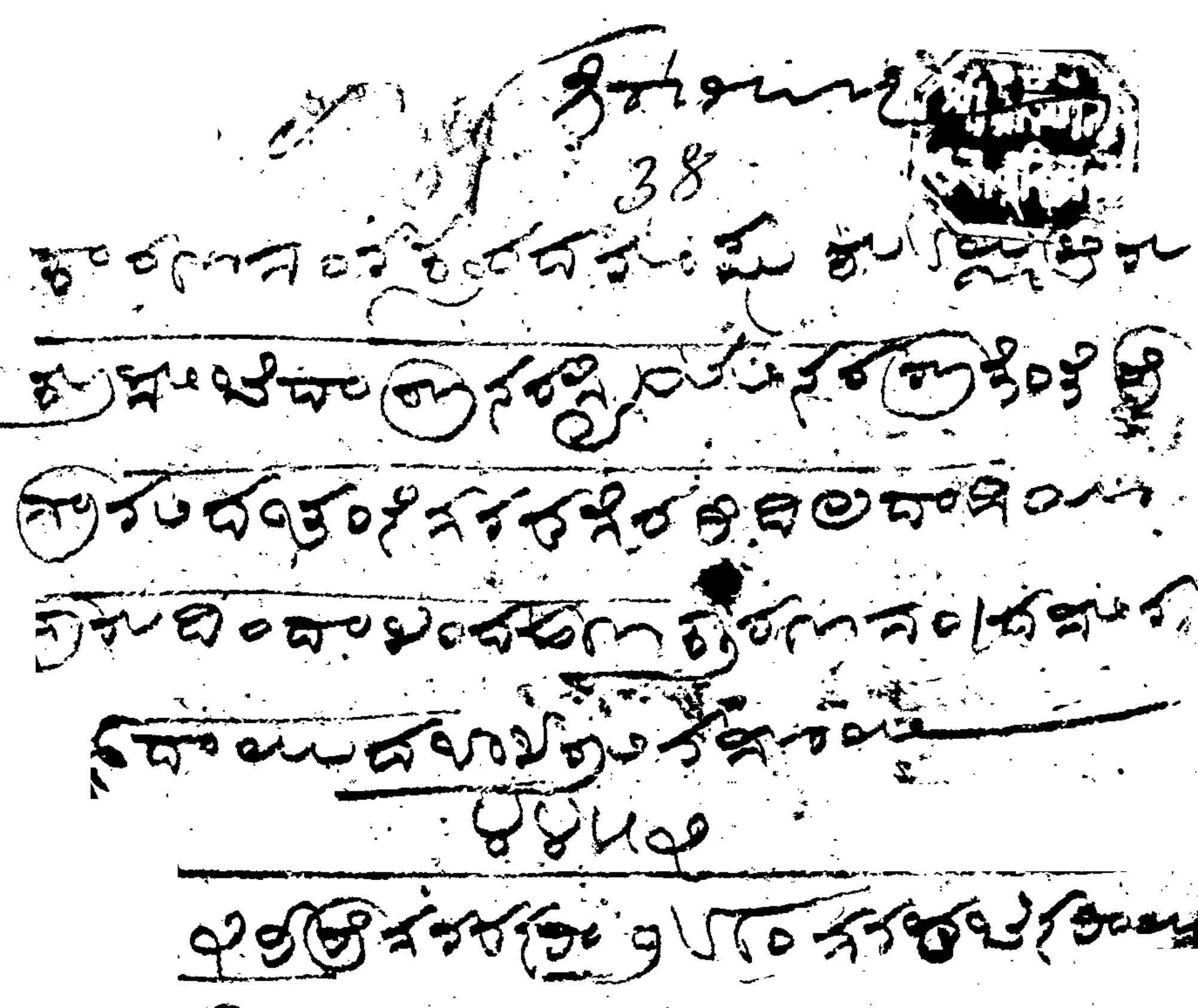
ಕಂಪ್ಯೂಟರ್ ಕಲಿಕೆ

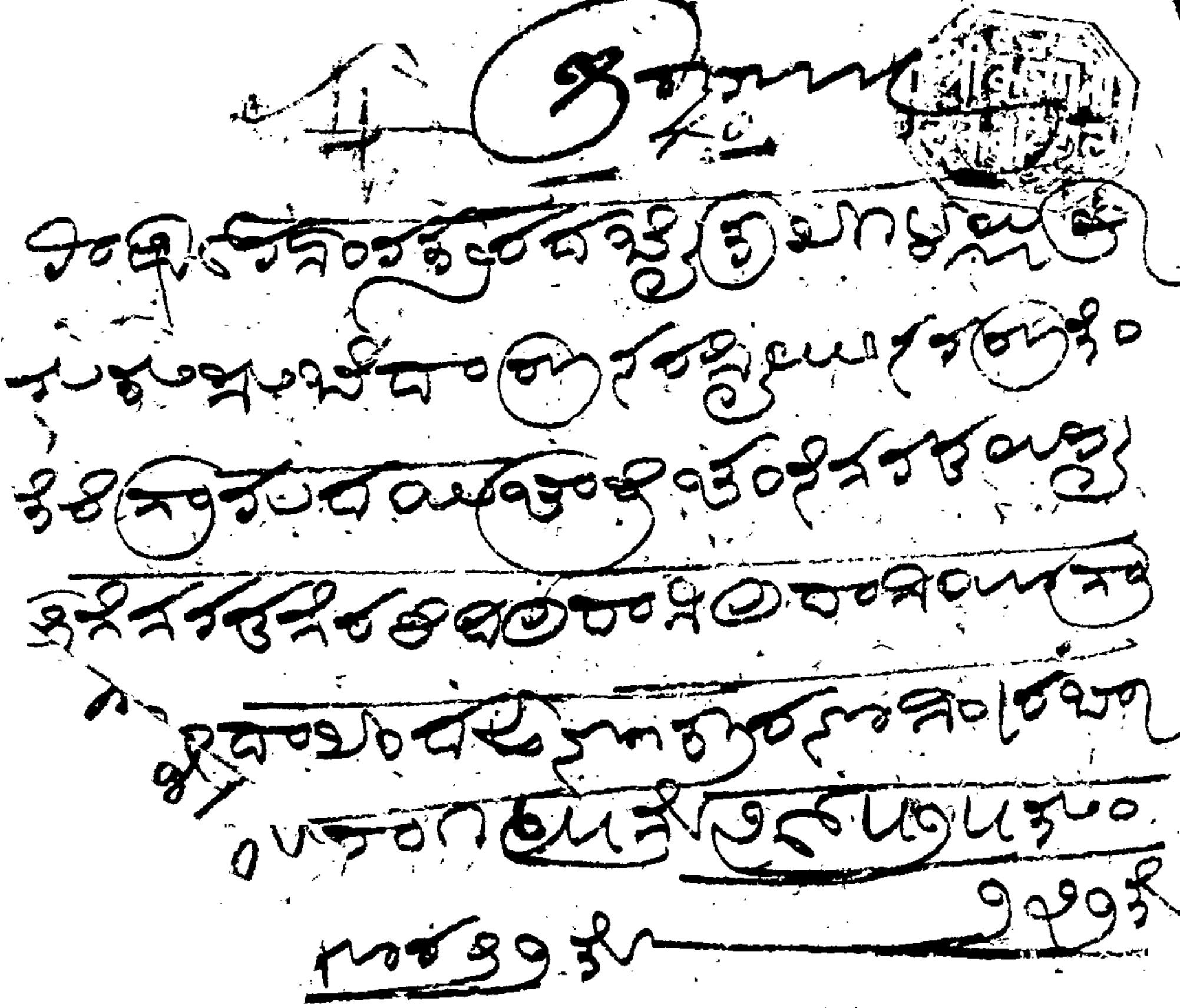
ಗಣಿತ

ಅಂತರಜಾಲ ಬಳಕೆ ಮಾಹಿತಿ ಸಂಗ್ರಹ

ಪ್ರಬಂಧ ಬರವಣಿಗೆ

ಕಾಲಾಂತರದಲ್ಲಿ ಕಲ್ಯಾಣ ಚಾಲುಕ್ಯರ ಆಳ್ವಿಕೆಯಲ್ಲಿ ಈ ಪ್ರದೇಶವು ಸಮೃದ್ಧಿಯ ಉತ್ತುಂಗವನ್ನು ಕಂಡಿತು. ಕಲ್ಯಾಣ ಚಾಲುಕ್ಯರ ಕಾಲದಲ್ಲಿ ಈ ಪ್ರದೇಶವು ಸಮೃದ್ಧಿಯ ಉತ್ತುಂಗವನ್ನು ಕಂಡಿತು. ಕಲ್ಯಾಣ ಚಾಲುಕ್ಯರ ಕಾಲದಲ್ಲಿ ಈ ಪ್ರದೇಶವು ಸಮೃದ್ಧಿಯ ಉತ್ತುಂಗವನ್ನು ಕಂಡಿತು.





ಪ್ರಕರಣ

ಪ್ರಕರಣ

ಯಾವುದೇ ಸಂಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಸಿಬ್ಬಂದಿಗಳು ಸಂಸ್ಥೆಯ ಅಭಿವೃದ್ಧಿಗೆ ಪೂರಕವಾಗಿ ಕೆಲಸ ಮಾಡಿದಾಗ ಮಾತ್ರ ಸಂಸ್ಥೆಯು ಅಭಿವೃದ್ಧಿಯಾಗಲು ಸಾಧ್ಯ. ಸಂಸ್ಥೆಯ ಅಭಿವೃದ್ಧಿಯಾದಾಗ ಸಂಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯಗಳು ದೊರೆಯಲು ಸಾಧ್ಯ. ಆದ್ದರಿಂದ ಸಂಸ್ಥೆಯ ಅಭಿವೃದ್ಧಿಯಲ್ಲಿ ಸಿಬ್ಬಂದಿಗಳ ಪಾತ್ರ ಬಹಳ ಮುಖ್ಯವಾಗಿದೆ.

4-3

ಸಂಸ್ಕೃತಿ ೦

ಶಾಸನ ಪರಿಚಯ

ಸಂಖ್ಯೆ

ಶಾಸನ ಪರಿಚಯ ಮಾಡಿಕೊಂಡ ಸ್ಥಳ ಮತ್ತು ದಿನಾಂಕ

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ಶಾಸನ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟವರ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

ಶಾಸನ ಪರಿಚಯ

4645

Abstract Ranjegowda and others have to recover possession of the site of land of Kenkere in the Kolagala Sirastadar Circle. Both parties were present & the evidence of both sides was recorded. Each side examined witnesses, one of the witnesses for four years from 1889 and Ranjegowda the Petitioner for the last three years. The Inspector has not expressed that he has any independent knowledge of the case. In view of the fact that this is a case between private parties should be decided

The documents submitted by the parties appear to be in order.

Submitted.

(General Serial No. 30.)

CHIEF SECRETARY'S OFFICE
10 MAR 93
No. 1147
DEPARTMENT OF REVENUE

From The Asst. Commr. Kunigal Sub Dist.

To The Chief Secretary to the ~~Dewan~~ Govt. of Mysore.

Dated 4 March 1893.

Despatched 9 March 1893.

Received

Enclosures No. 9 Record

General No.
No. 754.

Chief Secretary's Office Memo: No: 1147 dated 9th instant.

Submits the record connected with the petition of Ranjegowda & four others regarding the Patelikhi of Kenkere in the Kunigal Taluk. Returns the enclosures.

Petitioner
Mar 17/3

M. G. C. P. Bangalore.—27-1-93.—5,000.

47 46

Deputy Commissioner's office
Tumkur District
Tumkur 14th March 1893

No. 754.

(4)

To.

The Chief Secretary to the
Government of Mysore

Sir,

As called for in your official memo No. 1147 of the 9th instant, I have the honor to submit herewith the record in connection with the petition of Rungégowda and four others appealing against the decision of this office in Revenue appeal case No. 8 of 1893 regarding the Patelship of Venkere in the Chiekanaikenhalli Taluk.

2. The enclosures of the Memorandum under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant

Deputy Commissioner

48 47

Before the Government of *His Highness* the Maharaja of Mysore.

(7)

L.R. 129-92-4

Appeal No. 157 of 1892-93

Appellants

Ranga Gowda and 4 Ors, sons of Chandeswarajgowda of Kenkere

Vs.

L.R. 149-92-4

Respondents

1 Rudre gowda
2 Kuchaveerajgowda
3. Marulinga sons of Marule Gowda of Kenkere

~~Decision~~

Facts of the case

The applicants seek to recover possession of the office of Patel of Kenkere in the Hadigere Sub-Division.

2. According to the Register of 1847, Virabhadre gowda the grandfather of Respondents and Channegowda the grandfather of Applicants, were both the Haldars, enjoyers and officiators of the Patati, Virabhadre gowda was succeeded by his son Virgowda and Channegowda by his

son
Chanbacwe gowda, and
according to the Register
1864-65 Vire gowda's brother
Mramle gowda and Chanbasve
gowda were both doing the
duties of the Office. At the
Patlan Patagi Settlement
in 1877, the said Mramle gowda
was appointed by Govern-
ment as the sole Patel of
the village and was granted
a Sanad dated 16th July 1877.
On the 11th September 1877
Mramle gowda prayed that
as he was sick his minor
son the 2nd Respondent might
be registered as Patel and
one Channve gowda appointed
as guardian. On the 15th
September 1877 Chanbacwe
gowda (Appellant's father)
presented a petition protesting
against Mramle gowda's
appointment as Patel

572
81 and that he was willing to discharge the duties the 2nd Respondent became incompetent to do so. Thereupon, the deputy Commissioner, by his order dated 15th April 1893 appointed the 2nd Respondent as Taluk and Chavlas ne gowda as Gramasta. After the death of Chavlas ne gowda one Chikkiere gowda was appointed Gramasta in April 1899. The 2nd Respondent has since assumed charge of the office and is now in possession of it.

The Petitioners filed a suit on the 1st April 1891 praying for an order to permit one of them to hold the office jointly with the 2nd Respondent

or to direct the duties being 59
discharged by the two by 59
turns. The Assistant Com-
missioner decided that one
of the Plaintiffs should be
registered as Holder and
that he and 2d Respondent
should perform the duties
by turns at intervals
of 4 years, but the Deputy
Commissioner on appeal,
while agreeing that both the
parties should be regarded
as Holders, held that the
order directing the performance
of duties by turns was
unauthorized and that the
present holder, the 2nd
Respondent, should not
be evicted. The appeal is
against this order.

At the hearing, the
Appellant's advocate relied

No 2261 / Al 153-52 56 5.5

Office of the Durani Mysore
Petition dept

10th / 25. September 1893.

(6)

L.R. 129-92-5

L.R. 129-92-5

Endorsement passed on Rangajanta and others ... of Kunkere by the ... Dated ... in reply to their Petition No 2261 / Al 153-52 of 1892-93 appealing against the ... of ... regarding their claim to ... of the ... of Kunkere

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Petitioners are informed that their appeal is dismissed ...

By order

[illegible]

Chief Secretary

[illegible]

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. NO. 1483 R

59 58

Before the Lordships of the Privy Council

(8)

Appeal No: 15 of 1892-93.

Review Petition No. of 1893

1. Rangay Gowda
2. Chennakeeray Gowda
3. Jeheriah
4. Marulah
5. Doda Chenna Gowda

Appellants, Petitioners

1. Pudray Gowda
2. Hoochkeeray Gowda
3. Marulah

Respondents, Plaintiffs, Petitioners

The Petitioners above named most respectfully beg that this Honorable Court will be pleased to review the order passed on 21st September 1893 in the above matter on the following amongst other grounds.

1. This Honorable Court has misunderstood the nature of the Suit brought by the Plaintiffs

2. Both the Lower Courts having found that the

plaintiffs ancestors and Defendants ancestors being joint holders or joint Holders to the Postal office in question and as such plaintiffs claimed this right which is inherent to them and which has been admitted by Defendants this Honorable Court erred in assuming that the Government see no Sufficient reason to oust the Defendants 3 ofli that the Plaintiffs prayed was that as their grand fathers held the office and enjoyed the emoluments jointly with the grand fathers of the Defendants they plaintiffs may be declared to be entitled to enjoy such rights.

4. Both the Lower Courts having found as a matter of fact and upon law and upon the admission of the Defendants that both the parties are to be regarded as Holders this Honorable Court erred in traversing

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5/9

beyond the Concurrent findings of the said Lower Courts.

Petitioners pray that their names be included in the Register as joint Applicants to the office and allow them to work either conjointly with the Petitioners or Petitioners or by rotation.

5. That the deposition Dated 10th April 1878 relied on in your Honorable orders is a forgery. A kind perusal of this will show that it is not Signed by the deponent. A translation of the said deposition is here with filed. Hence this Honorable Court was led to a wrong conclusion.

The decision dated 21st September sought for revision is here with submitted.

Yours faithfully
Beer el Ater
Advocate

(1)

Precis

Appeal Suit No 15-9
of 1892-93.

Appellants (Plaintiffs):—

1 Rangegonda
2. Channa Kiregonda
and 3 others, of Kenkere
Huliyar Sub Taluk.

Respondents (Defendants):—

1 Rudregonda
2. Nucha Kiregonda
and another, of the same village

In April 1891, the Plaintiffs filed a Suit in the Court of the Deputy Commissioner of Tumkur, to establish their right to the office of Patel of Kenkere in the Huliyar Sub-Taluk. The Plaint was that Channegonda and Virabhadregonda, grandfathers of the Plaintiffs and the

(2)

Defendants respectively were the joint registerdars of the Taluk of Kenkere, and jointly held the office in 1867, that on their death their sons Channabasavegouda (Plaintiffs' father) and Maralegouda (Defendants' father) were jointly registered, and were discharging the duties jointly, in 1864-65, that on Maralegouda's death in 1877-78, his son the 2nd Defendant was registered in his stead and the Plaintiffs' father was appointed to do the work as his (2nd Defendant's) gumasta, and died about the year 1880, that on the latter's death the Plaintiffs were not registered in his place and their petition was endorsed by the Deputy Commissioner to the effect that the matter could not be decided in a Summary suit; and that the cause of action arose in 1880. They prayed that one of them may be registered and allowed

order drawn up
15 Apl 78.

5

4. The Plaintiffs filed ~~the~~ Exhibits A to G.

1847 V M

A. Extract from the ~~Kasa~~ Patel Register of 1847. Virabhadre-gonda & Channegonda are mentioned in both the columns of Hakdars & Officiators.

1864/65 one V M

B. Extract from the Patel Register of 1864-65, in which Virabhadregonda and Channegonda are stated to have been dead and their sons Maralegonda and Channa-basanegonda ~~to~~ to have been doing work.

1877/78 No one V M

C. Extract of the Patel Register of 1877-78, prepared in accordance with the Pakka Kotgi Settlement. Maralegonda is mentioned in the ~~the~~ column of Patel and in the column of Remarks the Deputy Comm's Order No 20 dated 15-4-78 appointing the 2nd Defendant as Patel on Maralegonda's death is quoted. ~~Channa~~ ~~Hanu~~ ~~for~~ ~~as~~ ~~Land~~

D. Extract from the register shewing the disbursement of Pakka Kotgi amount for 1878-79.

E. 2nd ~~Defts~~ Plaintiff's petition of 1886 with the Dy Comm's endorsement thereon

F. 2nd Plaintiff's petition of 1891 with the Deputy Comm's endorsement thereon saying that the matter could not be summarily settled.

G. Original records of 1877-78 regarding the appointment of the 2nd Defendant:—

In 1877, Marale gonda, owing to his sickness, petitioned the Amildar to register the Pateli in the name of his 3rd son Hucha Viregonda (2nd Defendant) and to appoint one Channa Viregonda as gumasta during his minority. But he subsequently represented that as the village was too large for one Patel, Channabasave-gonda (Plaintiffs' father) who was till recently doing the work jointly with him might be registered & appointed to do duties jointly with his son's gumasta. Channa-basavegonda addressed the Deputy Comm stating that he was a Hissedar to the office but was deprived of it at the Pakka Potgi Settlement, and praying that he may be appointed to the Pateli. Meanwhile Marale gonda died.

× 16-1-78

* 5-9-77.

The Deputy Comm

are equal Hakdars to the Patel in question.

8. The Defendants' Pleader urges that the right of the Plaintiffs' father was lost when the order of 1878 directing the 2nd Defendant to be registered and appointing the Plaintiffs' father as gumasta was passed and that the suit is barred by the law of limitation. As the Plaintiffs' father was still a Registerdar, it was proper that he was directed to discharge the duties of the office during the 2nd Defendants minority. But it is obvious that the use of the word — "Gumasta" in the order is not right. Plaintiffs' suit is not barred by the law of limitation. I have to say that the cause of action accrued from the 27th April 1879 on which date order No 164 appointing a stranger to do the work was passed.

the date of the suit viz. 1st April 1891, is within 12 years from that date.

9. Therefore I am of opinion that the Plaintiffs ~~allegs~~ have made out their case. The most competent of the Plaintiffs must be registered. He and the 2nd Defendant should ~~the~~ hold the office, each for 4 years, by rotation.

The Defendants appealed* from the above order to the Deputy Commr, who concurred* with the original court in finding the Plaintiffs to be as much to the office Hakdars as the Defendants ~~had in soliciting~~ but reversed that part of the Lower court order which directed the office to be held by rotation on the grounds that the rule of rotation had not yet been passed and that therefore there was no reason to oust the present holder who is one of the Defendants.

The present appeal is against the above order.

* 2-1-93

× 4-2-93.

15

his claim and stated that he was unwilling to act merely as Gumasta, and the Amildar reported that he was competent. But the Deputy Commr decided that the claim of the sons of Marulesiwda (who had in the meantime died) should not be passed over and accordingly directed that if Chanbasvé Gowda was not willing to act as Gumasta of Marulesiwda's son, the 2d Respondt, some other Gumasta should be appointed. When this order was communicated to Chanbasvegowda he changed his mind and gave a deposition on the 10th April 1878 stating that the office might be registered in the name of 2d Respondt and that he was willing to discharge the duties till 2d Respt became competent to do so. Thereupon the Dy Commr, by his order dated 15th April 1878 appointed the 2d Respondent as Patel and Chanbasvegowda as Gumasta. After the death of Chanbasvé Gowda, one Chikkiregowda was appointed Gumasta in April 1879. The 2d Respondt has since assumed charge of the office and is now in possession of it.

The appellants filed a suit on the 1st April 1891 praying for an order to permit one of them to hold the office jointly with the 2d Respondent or to direct the duties being discharged by the two by turns. The Asst Commr decreed that one of the Plffs should be registered as Hakdar and that he & 2d Respondt should perform the duties by turns at intervals of 4 years, but the DC Commr on appeal, while agreeing that both the parties should be regarded as Hakdars, held that the order directing the performance of duties by turns was unauthorized and that the present holder the 2d Respondt, should not be ousted. The appeal is against this order.

At the hearing the appellants advocate ~~relied~~ on Chanbasseshwar's letter of 15 Septr 1877 and his deposition dated 29th August 1878 urging his own claim and on Marulesshwar's letter dated 16 January 1878, and contended that Chanbasseshwar acted as a joint Hakdar and not, to his knowledge, as Gumasta, that the possession of the 2d Respt was not adverse to Plffs, and that as the parties were members of two different families unconnected with each other

(General Serial No. 32.)

19

1893 2

No. 2261

Name of Petitioner. Rangegouda and 4 others

Village. Kenkere

Taluk. Chiknaikanhalli

District. Tumkur

Date of Arzi.

Date of Receipt. 1/3/93

Date of Disposal.

No. of Enclosures. 8

A 9-92-1

R 1/9-92-1

ABSTRACT.

Petitioners appeal against the decision of the Deputy-Commr of Tumkur dy. 4th February 1893, passed in Revenue appeal No 8 of 1893 in re the office of the Patel of Kenkere, Chiknaikanhalli Taluk.

S.V. 2/3

Counsel case.
C. / Sec I of the Addl Rules
Stamp sufficient
Order produced
In time.
Proceedings to be called for

4/3

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

ಸಾಲಿ ಸಂಖ್ಯಾಶಾಸ್ತ್ರ ಪ್ರಶ್ನೆಗಳು - ಕಲಾ ವಿಭಾಗ ಮತ್ತು ವಾಣಿಜ್ಯ ವಿಭಾಗದ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ

ಸಮಯ 1892-93.

ಪ್ರಶ್ನೆಗಳ ಸಂಖ್ಯೆ (8)

ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಸೂಚನೆಗಳು

1ನೇ ಪ್ರಶ್ನೆಯು ಕಡ್ಡಾಯ

2, 3, 4 ಪ್ರಶ್ನೆಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದು

5, 6, 7 ಪ್ರಶ್ನೆಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದು

8ನೇ ಪ್ರಶ್ನೆಯು ಕಡ್ಡಾಯ

ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಸೂಚನೆಗಳು

1ನೇ ಪ್ರಶ್ನೆ ಕಡ್ಡಾಯ

2, 3, 4 ಪ್ರಶ್ನೆಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದು

5, 6, 7 ಪ್ರಶ್ನೆಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಒಂದು

8ನೇ ಪ್ರಶ್ನೆಯು ಕಡ್ಡಾಯ

ಪ್ರಶ್ನೆ 1

ಕೆಳಗಿನವುಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಐದಕ್ಕೆ ಸಂಕ್ಷಿಪ್ತವಾಗಿ ಉತ್ತರಿಸಿ

ಸಂಖ್ಯಾಶಾಸ್ತ್ರ ಎಂದರೆ ಏನು? ಸಂಖ್ಯಾಶಾಸ್ತ್ರದ ಮಿತಿಗಳನ್ನು ಬರೆಯಿರಿ.

ಸರಾಸರಿಯ ಗುಣಲಕ್ಷಣಗಳನ್ನು ಬರೆಯಿರಿ. ಅಂಕಗಣಿತ ಸರಾಸರಿಯ ಅನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ.

ಸರಾಸರಿಯ ಅನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ. ಅಂಕಗಣಿತ ಸರಾಸರಿಯ ಅನಾನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ.

ಸರಾಸರಿಯ ಅನಾನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ. ಅಂಕಗಣಿತ ಸರಾಸರಿಯ ಅನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ.

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ಸರಾಸರಿಯ ಅನಾನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ. ಅಂಕಗಣಿತ ಸರಾಸರಿಯ ಅನುಕೂಲಗಳನ್ನು ಬರೆಯಿರಿ.

[illegible]

[illegible] 1893

Sd. B. K. Venkatavaradiengar

[illegible]

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Revenue Sheristadar
Tumkur District

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ಅನುಭವ ಹೊಂದಿದ ಅನಂತರ ನೈಸರ್ಗಿಕ ಕ್ರಿಯೆಗಳಲ್ಲಿ ಆಗುವ ಬದಲಾವಣೆಗಳನ್ನು ಗಮನಿಸಿ ಅವುಗಳ ಕಾರಣಗಳನ್ನು ತಿಳಿಯಲು ಪ್ರಯತ್ನಿಸುವುದು ಸಹಜ ಸ್ವಭಾವ. ಇಂಥ ಪ್ರಯತ್ನಗಳಲ್ಲಿ ಕೆಲವು ಸಲ ಯಶಸ್ಸು ಸಿಕ್ಕಿದರೆ ಕೆಲವು ಸಲ ಸಿಗದೆ ಹೋಗಬಹುದು. ಆದರೆ ಪ್ರಯತ್ನಗಳನ್ನು ಬಿಟ್ಟುಬಿಡುವುದು ಸರಿಯಲ್ಲ. ಅಂಥ ಪ್ರಯತ್ನಗಳಿಂದ ಹೊಸ ಹೊಸ ಜ್ಞಾನ ಲಭ್ಯವಾಗುತ್ತದೆ.

ಇ — ಪ್ರಯತ್ನ ಮಾಡಿದರೂ ಫಲ ಸಿಗದಿದ್ದಾಗ ಅದಕ್ಕೆ ಕಾರಣವೇನು? ಅದನ್ನು ಹೇಗೆ ಕಂಡುಹಿಡಿಯಬಹುದು? ಇದಕ್ಕೆ ಉತ್ತರ ಹೇಳುವುದು ಸುಲಭವಲ್ಲ. ಆದರೆ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೆಚ್ಚಿನ ಪ್ರಯತ್ನ ಮಾಡಿದರೆ ಫಲ ಸಿಗಬಹುದು ಎಂಬುದು ಮಾತ್ರ ಖಚಿತ.

ಈ ಪ್ರಯತ್ನಗಳಲ್ಲಿ ಕೆಲವು ಸಲ ಅಪಾಯಗಳೂ ಎದುರಾಗಬಹುದು. ಆಗ ಅಂಥ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆ ಅಥವಾ ಅಲ್ಲಿಗೆ ಪ್ರಯತ್ನವನ್ನು ನಿಲ್ಲಿಸಿಬಿಡಬೇಕೆ ಎಂಬ ಪ್ರಶ್ನೆ ಎದುರಾಗುತ್ತದೆ. ಇದಕ್ಕೆ ಉತ್ತರ ಹೇಳುವುದು ಕಷ್ಟ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆಂಬುದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

ಈ ಪ್ರಯತ್ನಗಳಲ್ಲಿ ಕೆಲವು ಸಲ ಅಪಾಯಗಳು ಎದುರಾಗಬಹುದು. ಆಗ ಅಂಥ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆ ಅಥವಾ ಅಲ್ಲಿಗೆ ಪ್ರಯತ್ನವನ್ನು ನಿಲ್ಲಿಸಿಬಿಡಬೇಕೆ ಎಂಬ ಪ್ರಶ್ನೆ ಎದುರಾಗುತ್ತದೆ. ಇದಕ್ಕೆ ಉತ್ತರ ಹೇಳುವುದು ಕಷ್ಟ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆಂಬುದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

ಈ ಪ್ರಯತ್ನಗಳಲ್ಲಿ ಕೆಲವು ಸಲ ಅಪಾಯಗಳೂ ಎದುರಾಗಬಹುದು. ಆಗ ಅಂಥ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆ ಅಥವಾ ಅಲ್ಲಿಗೆ ಪ್ರಯತ್ನವನ್ನು ನಿಲ್ಲಿಸಿಬಿಡಬೇಕೆ ಎಂಬ ಪ್ರಶ್ನೆ ಎದುರಾಗುತ್ತದೆ. ಇದಕ್ಕೆ ಉತ್ತರ ಹೇಳುವುದು ಕಷ್ಟ. ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಿ ಮುಂದುವರಿಯಬೇಕೆಂಬುದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

Pet
1147.

45

MYSORE DEWAN'S OFFI

PETITION DEPARTMENT.

OFFICIAL MEMORANDU

The accompanying Petition N
dated 18th March 93 receive
Dewan's Office from Rangeg
4 others appealing agu
decision of the Dy Com
appeal No 8 of 1893, re
the Patelship of Kenk
Chiknaikanhalli Ta

R 129 93-2

L.R 11 9-92-2

is forwarded, together with its
enclosures, to the Deputy Comm
Tumkur District for en
of proceedings with a rep
the facts of the case, and
points taken in the petit

2. The petition with it
should be returned.

By Orde

Sk (Draft)

BANGALORE,
6th March 1893.

Chief Secreta

11

M. G. C. P. Bangalore.—21-11-92—3,000.

From the Daniel No 754

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49

and the arrangement proposed by him. Marula gowda and Chambasve gowda however effected an amicable settlement, as the result of which the former presented an application on 16th January 1878 praying that the proposed gumasta of his son and Chambasve gowda might both be ordered to do the duties and share the emoluments but the Deputy Commissioner by his order dated 26th February 1878 declined to sanction the appointment of two Patels and called for a report regarding the several Hakdars living and their qualifications. During the enquiry Chambasve gowda again urged his claims and stated that

he was unwilling to act merely as gumastā, and the Amildar reported that he was competent. But the Deputy Commissioner decided that the claims of the sons of Marulegowda (who had in the meantime died) should not be passed over and accordingly directed that if Chanbasve gowda was not willing to act as gumastā of Marulegowda's son, the 2d Respondent, some other gumastā should be appointed. When this order was communicated to Chanbasve gowda, he changed his mind and gave a deposition on the 16th April 1878 stating that the Office might be registered in the name of 2d Respondent

relied on Chanbasve Gowda's Petition of 15th September 1877 and his deposition dated 20th March 1878 urging his own claims, and on Munde Gowda's Petition dated 16th January 1878, and considered that Chanbasve Gowda acted as a joint Hakdar and not, to his knowledge as gumasta, that the possession of the 2d Respondent was not adverse to Plaintiffs, and that as the parties were members of two different families unconnected with each other, this was a fit case in which performance of duty by towns should be ordered.

Decision

The 2d Respondent is in actual possession

and enjoyment of the
Office since 1879 and although
Plaintiffs are ~~former~~ joint Holders
with the Respondents, the
Government see no sufficient
reason to oust the latter
and to disturb the arrange-
ment that has been in
force for the past 14 years.

The appeal is rejected

By order

Redraft [signature]
Chief Secretary

No 5601/P.F.47-93 dt 25-9-93

Copy to the Deputy Commr.
Tinnevelly District with the
record received with his No.
754 dated 14-3-93.

"By order"

[signature]
Chief Secretary

S.K.

55
SK

dt 9/9

Redraft

P.747-93

(General Serial No. 32.)

1893.

(1)

No. 1483

Name of Petitioner. Rango Gondaji & others by Rao B. Jathaprabhu & Bhimrao-at-Law

Village.

Taluk.

District.

Date of Arzi.

Date of Receipt. 5-12-93

Date of Disposal.

No. of Enclosures. two

ABSTRACT.

Pray that the order dated 21st September 1893, of this office, passed in the appeal No: 1597 of 1892-93 may be reviewed on the following grounds:

(1) This Court has misunderstood the nature of the suit brought by the plaintiffs.

(2) Both the lower Courts having found that the plaintiffs' ancestors & defendants' ancestors being joint holders or joint khatedars to the talav in question & as such plaintiffs claimed this right which is inherent to them & which has been admitted by

Written previously but different time — omitted in the file 8/12

Can declare to re-open the case — ref 01-12-93

by defendants, this Court erred in
assuming that the Government were no
sufficient reason to oust the defendants.

That the plaintiffs' grandfather
that as their grandfather held the
office & enjoyed the emoluments jointly
with the grandfather of the defendants,
they (plaintiffs) may be declared to be
entitled to enjoy such rights.

Both the Lower Courts having
found as a matter of fact & upon
law & upon the admission of the
defendants that both the parties
are to be regarded as Hukdars,
this Court erred in traversing
beyond the concurrent findings
of the said Lower Courts.

That the deposition of 10th April 1878
relied on in the order is a forgery.
A perusal of this will show that
it is not signed. A translation
of the said deposition is here-with
enclosed. Hence this Court
was led to a wrong conclusion.

Petitioners pray that their names may be
included in the Register as joint
Hukdars to the office & allow them
work either conjointly with the
ex-petitioners or by rotation.

No. 1483

61

17-1-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

12th January 1894 (10)

17

Endorsement granted to Range Gowda and others of Kenkere, represented by Mr C. Sabhapatiyn, Barrister-at-law

in reply to their Petition Registered No. 1483 ~~dated~~ received on 5.12.93 applying for review of the order of Govt dt 21st Sept 1893, regarding Petitioners' ~~claim to receive payment~~ Patels of Kenkere.

Petitioners are informed that Government decline to re-open the case

The enclosures are returned.

87/94

Draft (Councillor's order)

"By Order"

Chief Secretary.

22/12

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.